

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

WILLIAM JOHNSON, et al.,)	
Plaintiffs,)	
)	No. 2:17-cv-124
-v-)	
)	Honorable Paul L. Maloney
NICK LYON,)	
Defendant.)	
)	

ORDER GRANTING MOTION FOR LEAVE TO FILE AMENDED COMPLAINT

This matter is before the Court on Plaintiffs’ motion to file an amended complaint (ECF No. 77). While the deadline for filing motions to amend has long passed, the Court finds that good cause exists for the amendment, and the motion will be granted.

Both Rule 15 and Rule 16 of the Federal Rules of Civil Procedure apply to motions for leave to file amended pleadings. Rule 15(a)(2) requires leave be given freely when justice so requires. However, “[o]nce the scheduling order’s deadline passes, a plaintiff must first show good cause under Rule 16(b) for failure earlier to seek leave to amend before a court will consider whether amendment is proper under Rule 15(a).” *Leary v. Daeschner*, 349 F.3d 888, 909 (6th Cir. 2003). “The primary measure of Rule 16’s ‘good cause’ standard is the moving party’s diligence in attempting to meet the case management order’s requirements.” *Inge v. Rock Fin. Corp.*, 281 F.3d 613, 625 (6th Cir. 2002) (internal citation omitted).

The case management order establishes the deadline for motions to amend pleadings as January 3, 2019 (ECF No. 55). The present motion was filed on January 21, 2020. Thus,

Rule 16's good cause requirement applies. While plaintiffs have not addressed this issue by name in their motion, the motion was only brought because of a January 3, 2020 change to the relevant DHHS Rule. Plaintiff's complaint questions the legality of this rule, and Defendant does not oppose the amendment. The Court finds that good cause exists to amend the complaint, and the motion will be granted. A scheduling conference will be set at a later date.

ORDER

Plaintiff's motion for leave to file an amended complaint (ECF No. 77) is **GRANTED**. The Clerk of Court shall docket the proposed amended complaint (ECF No. 77-1).

IT IS SO ORDERED.

Date: January 27, 2020

/s/ Paul L. Maloney
Paul L. Maloney
United States District Judge